

December 2003 Unified Program Newsletter

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AB 1640 (Updated)

On October 10, 2003, AB 1640 (Laird) was signed into law. The bill amends California Health and Safety Code, Sections 25404, 25404.1.1, 25404.3, 25501.4, 25532, and 25540 of, and adds Section 25404.1.3. Although a summary was included in the November newsletter one point (last bullet) was erroneously omitted. AB 1640:

- Authorizes a Unified Program Agency to suspend or revoke any unified program facility permit or element of a unified program facility permit for not paying the permit fee or a fine or penalty associated with the permit pursuant to a specified procedure.
- Authorizes a Unified Program Agency to apply to the clerk of the appropriate court for a judgment to collect an administrative penalty for an administrative order or decision that has become final and would require the court clerk to enter the judgment immediately in conformity with the application.
- Requires the Secretary to find that all other agencies proposing to implement a specific program element (Participating Agencies) maintain an agreement with the CUPA.
- Defines the term "person" for the Cal/ARP program and authorizes the imposition of civil and criminal liability upon a person who violates those provisions.
- Adds a provision bringing cities/counties/special districts into the scope of Chapter 6.95 Article 1 (disclosure/business plan)

AB 1640 http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1640&sess=CUR&house=B&search_type=email
Chaptered http://www.leginfo.ca.gov/pub/bill/asm/ab_1601-1650/ab_1640_bill_20031009_chaptered.html

Unified Program Bulletin 0304-05

The intent of bulletin 0304-05 is to clarify questions from new CUPAs regarding transition from the 5-year UST fee to the annual UP surcharge. On November 21, 2003, the bulletin was forwarded to all CUPAs for informational purposes. <http://www.calepa.ca.gov/CUPA/Bulletins/2003/030405.pdf>

If you have any questions regarding the bulletin, contact Kathleen Harvey (kharvey@calepa.ca.gov) at 916-327-5097.

State Water Resources Control Board

UST Training Regulations

The UST Training regulations are on hold pursuant to Executive Order S-2-03, signed November 17, 2003, which requires a review of all pending regulations within 180 days.

UST Red Tag Regulations

The UST Red Tag regulations are on hold pursuant to Executive Order S-2-03, signed November 17, 2003, which requires a review of all pending regulations within 180 days.

UST Inspectors' Workshop

The December Northern California UST Inspector's Workshop has been cancelled. The next workshop will be held on January 20, 2004

Department of Toxic Substances Control

Transfer of Financial Responsibility Function for Onsite Treatment Tiers

Effective November 3, 2003, DTSC reassigned the duties of transferring the beneficiary from DTSC to the CUPA or for releasing the financial assurance mechanism for Permit by Rule and Conditionally Authorized facilities. These duties have been transferred from the Statewide Compliance Division to the Regulatory and Program Development Division (RPDD). Mr. Keith Kihara, Section Chief of Transportation, Financial Responsibility and Program Support Section of RPDD has been assigned these duties. Mr. Kihara can be reached at (916) 255-3628. The attached model form letter has been modified to include the new DTSC contact person. Please use the modified model form letter in making your requests. If you have any questions about the reassignment or model form letter, you may contact Stephen Binning at (916) 255-3751.

Office of the State Fire Marshal

Regulations

The California Building Standards Commission has established four focus groups to concentrate on the NFPA code adoption process. These focus groups consist of state agencies that adopt specific sections in the Building Code. The focus groups are working with NFPA staff to insure compliance with the interests of California. For more information, contact Gini Kripner at (916) 327-7672.

Tire Fire Curriculum and Regulations

Rodney Slaughter conducted a pilot training class at the Training Officers Symposium in Fresno on November 6th. He is working on scheduling tire fire prevention and response workshops around the state. The SFM proposed changes to the Uniform Fire Code with respect to the outdoor storage of tires. Rodney Slaughter presented the SFM's Uniform Fire Code proposal to the Uniform Fire Code Association Regulations Development Committee in Reno on Saturday November 15th. The committee, after minor amendments, voted to approve the proposal and will carry it forward to NFPA for their formal code adoption process. Any questions regarding the Tire Fire Curriculum and Regulations Development program should be directed to Rodney Slaughter at (916) 445-8454, or via e-mail:

[<mailto:Rodney.Slaughter@fire.ca.gov>](mailto:Rodney.Slaughter@fire.ca.gov)

Code Performance Evaluation / Urban Wildland Interface Building Standards

State Fire Marshal John Tennant sent fourteen Deputy State Fire Marshals to Southern California from November 6-13 to evaluate code performance at the recent wildfires in San Diego, San Bernardino, Riverside, Los Angeles, and Ventura Counties. Our fire marshals collected information about structure defense and damages incurred under existing and historical fire and building code conditions in order to make recommendations for improvements to the codes. Their efforts were staged out of the State Fire Marshal's office in Monrovia.

The enactment of Assembly Bill 1216, authored by Assembly Member Juan Vargas, recently granted the State Fire Marshal the legal authority to prepare building standards specific to urban wildland areas known to be threatened by or have a history of wildfire. The SFM staff collected on-site data to determine what made certain structures vulnerable to wildfire damage. These features include, but are not limited to, construction details of roofs, walls, windows, doors, decks and patios, and also the locations of structures in relation to slopes, vegetation and adjacent structures. The information gathered from this effort is still being compiled and analyzed and will directly influence the new building standards for these areas. AB 1216 requires that the SFM package be proposed to the Building Standards Commission no later than January 1, 2005. In light of a recent Executive Order from Governor Schwarzenegger, all pending and proposed regulatory packages are suspended for review. This Order may affect development progress and/or the proposal timeframe of this SFM package. For questions, call Hugh Council at (916) 445-8174.

California All Incident Reporting System (CAIRS)

The CAIRS data collection unit has completed processing of all backlogged NFIRS data and has distributed notices to fire departments about the quality of the data submitted, with instructions for resubmission of any data that did not pass the validation process. Current NFIRS data is being processed as it is received. The CAIRS database now includes more than one million NFIRS incident records submitted by the California fire service. For questions, call Melissa Frago at (916) 445-8422.

Disposal of Fireworks

SFM is continuing joint operations with Department of Toxic Substances Control and U.S. EPA on the disposal of fireworks in the Los Angeles County area. For questions, call Pat Sanchez at (916) 445-8415.

Unified Program Activities

Three evaluations were completed in November for the following agencies: Marin County Environmental Health Department (including meetings with officials from the City of Novato and Corte Madera Fire Departments), San Rafael Fire Department, and Hayward Fire Department.

Program staff attended the Unified Program Evaluators Meeting and Northern California CUPA Forum meeting in Martinez, and reported on current activities and issues impacting the SFM and CUPA stakeholders. The SFM CUPA webpage was updated under the "What's New" heading to include an annotated CUPA evaluation guide www.fire.ca.gov. For questions, call Dennis Ryan at (916) 324-0232.

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to Anie Wilson at (916) 327-9559 or awilson@calepa.ca.gov.

[Cal/EPA Unified Program Home Page](#)

(ON CUPA LETTERHEAD)

Mr. Keith Kihara
Section Chief
Transportation, Financial Responsibility and Program Support Section
Regulatory and Program Development Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

SUBJECT: AUTHORIZATION TO *(TRANSFER/RELEASE)* FINANCIAL
ASSURANCE MECHANISM FOR *(FACILITY NAME, ADDRESS, AND
EPA ID#)*

Dear Mr. Kihara:

The *(NAME OF CUPA)* requests the Department of Toxic Substances Control to
(transfer/release) the financial assurance mechanism submitted by *(NAME OF
FACILITY)* located at *(FACILITY ADDRESS)* for the closure of their *(PBR/CA unit/units)*
because:

Check appropriate box

- ☐ The current mechanism incorrectly lists DTSC as beneficiary; please make the necessary arrangements to change the beneficiary to *(NAME OF CUPA)*
- ☐ The facility has completed closure according to the closure plan and has submitted the required closure certification
- ☐ The closure cost estimate is less than \$10,000.00
- ☐ The facility has submitted an approved replacement mechanism
- ☐ The facility is exempt from onsite treatment authorization requirements because:

☐ Other reason:

Sincerely,

CUPA Manager

cc: facility